

SENATE BILL 2827

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 43,  
relative to agriculture.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-11-104, is amended by deleting such section in its entirety and by substituting instead the following:

Section 43-11-104. (a) Each brand and grade of commercial fertilizer shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner. All brands sold in packages of twenty-five pounds (25 lbs.) or less shall be registered at a fee set by the commissioner. Upon approval by the commissioner, a copy of the registration shall be furnished to the applicant. All registrations expire on June 30 of each year. The application shall include the following information:

- (1) The net weight;
- (2) The brand and grade;
- (3) The guaranteed analysis;
- (4) The name and address of the registrant; and
- (5) The sources from which the nitrogen, phosphorus, and potassium are derived.

(b) A distributor shall not be required to register any brand of commercial fertilizer that is already registered under this part by another person.

(c) A distributor shall not be required to register a commercial fertilizer formulated according to specifications that are furnished by a consumer prior to mixing, but shall be required to label such fertilizer as provided in Section 43-11-105(c).

(d) For all specialty fertilizers, soil amendments and soil conditioners, the registrant shall submit to the commissioner two (2) labels or copies of each label of each brand and grade, together with the registration application. For all specialty fertilizers, soil amendments and soil conditioners, the registrant shall submit a fee set by the commissioner.

(e) Nothing in this section shall prohibit the commissioner or the commissioner's agent from denying registration pending the submission of all requested information and the completion of any required changes necessary for any fertilizer to be in full compliance with this chapter.

## SECTION 2.

(a)

(1) There shall be paid to the commissioner for all commercial fertilizers distributed in this state an inspection fee prescribed by the commissioner; provided, that sales to manufacturers or exchanges between them are exempted. Fees so collected shall be used for the payment of the costs of inspection, sampling and analysis, and other expenses necessary for the administration of this chapter.

(2) On individual packages of commercial fertilizer containing twenty-five pounds (25 lbs.) or less, there shall be paid in addition to the inspection fee an annual registration fee per brand as prescribed by the commissioner.

(b)

(1) Every person who distributes a commercial fertilizer in this state shall file with the commissioner a statement setting forth the number of net tons of each commercial fertilizer distributed in this state during a specific period of time. The forms and the time periods for which the reports are required shall be established by the commissioner.

(2) The inspection fee shall be based on the statements submitted.

(3) The report is due on or before the fifteenth day of the month following the reporting period established by the commissioner.

(4) If the tonnage report is not filed and the payment of the inspection fee is not made within thirty (30) days after the end of the reporting period, a collection fee of no more than fifteen percent (15%) of the amount due shall be assessed against the registrant, and the amount of fees due shall constitute a debt and become the basis of a judgment against the registrant.

(c) When more than one (1) person is involved in the distribution of a commercial fertilizer, the last person who has the fertilizer registered and who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the report has been previously made by a prior distributor of a fertilizer.

(d) Each person distributing or selling fertilizer is required to keep such records as may be necessary to indicate accurately the tonnage of commercial fertilizer sold in the state for three (3) years. The records shall be available for examination by the commissioner or the commissioner's agents during reasonable hours.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.